



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

for PERMIT APPLICATION

Issue Date: April 29, 2003

Expiration Date: May 29, 2003

Corps of Engineers Action ID: 200100843

Oregon Division of State Lands Number: 24643-RF

30 Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CENWP-OP-GP (Mr. Daniel Gresham, III)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: Windsor Rock Products
8425 Windsor Island Road
Keizer, Oregon 97303-0065

Location: The project is located at 8425 Windsor Island Road on Windsor Island at river mile 73.4 of the Willamette River, Keizer, Section 16, 6 South, 3 West, Marion County, Oregon

Project Description: The applicant proposes to construct a road from the existing mining operation in the southern portion of Windsor Island to the northern portion of the island to gain access to a proposed mining area. It is the understanding of the Corps that this project will involve 1,970 cubic yards of rock fill to complete this road, which will impact 0.98 acres (850 feet long, 50 feet wide and 15 inches deep) of wetland. An additional 10 feet of width will be required for clearing limits. This is considered temporary impacts and is not included in the removal/fill volumes. Road construction will involve removal of approximately 15 inches of topsoil and other surface materials and replacement with approximately 15 inches of road gravel. The road will be constructed at the same level as the surrounding area. Excavated materials will be placed in an upland area on site.

Purpose: Grading and fill for an access road approximately 850 feet long between existing mining operation in the southern portion of Windsor Island to the proposed mining area in the northern portion of the island.

Drawings: Six (6) drawings are attached.

Figure 1 Vicinity Map

Figure 2 Site Development Map

Figure 3 Haul Road Grading Plan

Figure 3-1 Longitudinal – Section and Cross Section

Figure 4 Topographic Map

Figure 5 Wetland Boundary Survey Map

Additional Information: Additional information may be obtained from Mr. Daniel Gresham, III, Project Manager, U.S. Army Corps of Engineers at (503) 808-4393.

Authority: This permit will be issued or denied under the following:

Section 10, Rivers and Harbors Act 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States.

Sections 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Special Conditions: The requested permit, if issued, shall be subject to conditions necessary to minimize impacts to the aquatic resource. Under existing law the Corps requires compensatory mitigation to replace aquatic resource functions unavoidably lost or adversely affected by authorized activities.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Endangered Species: Preliminary determinations indicate that the proposed activity may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated. A permit for the proposed activity will not be issued until the consultation process is completed.

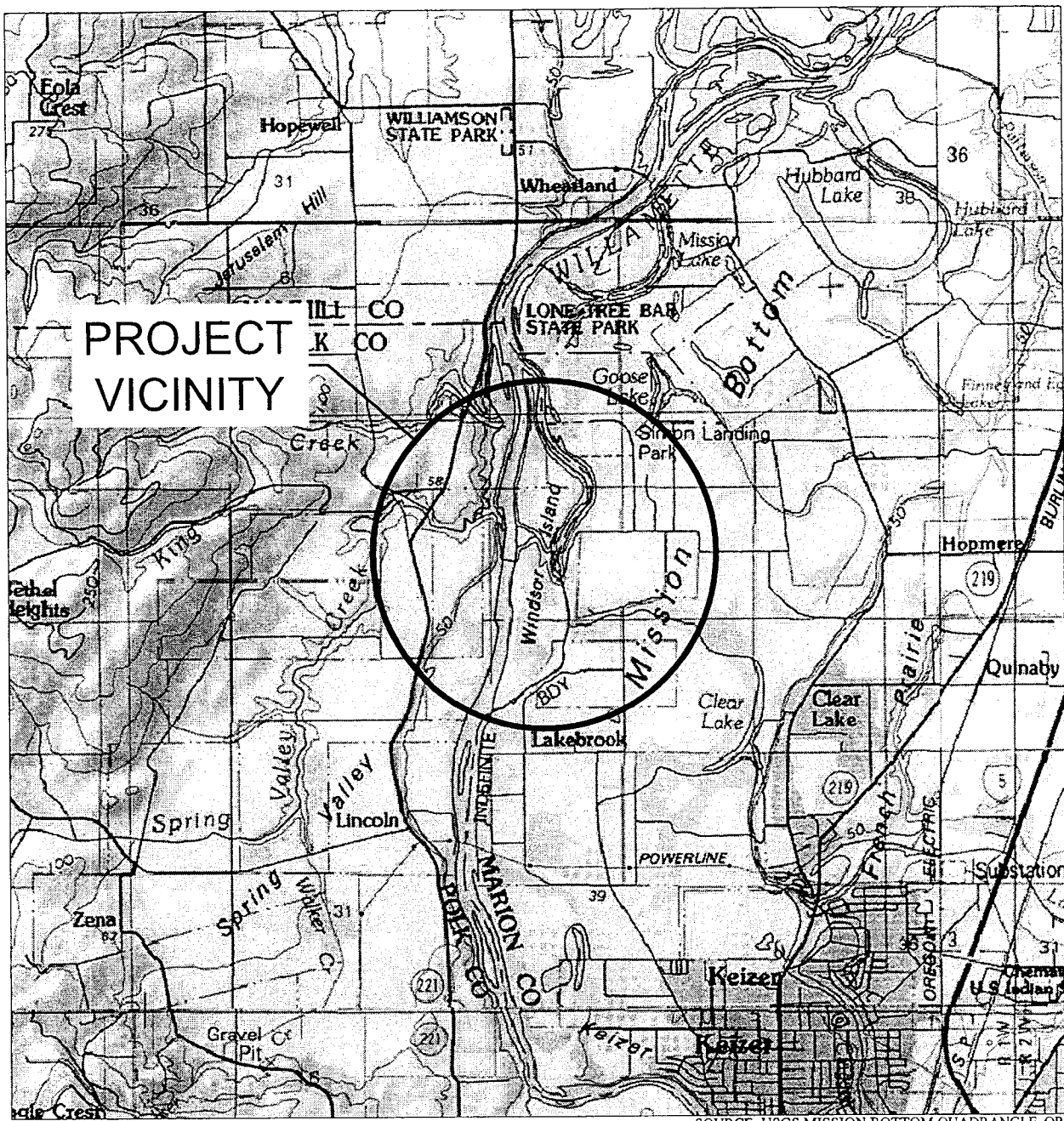
Cultural Resources: An initial evaluation of the proposed project area indicates that the described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to

the State Historic Preservation Office. If you have information pertaining to cultural resources in the permit area, please provide this information to the Corps project manager (identified on page 1 of this notice) to assist in a complete evaluation of potential affects.

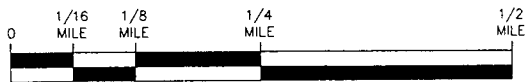
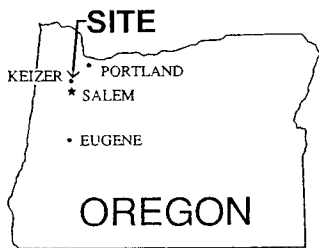
Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements that must be satisfied before the work is accomplished.



SOURCE: USGS MISSION BOTTOM QUADRANGLE, OR.



Prepared for: Windsor Rock Products



Project #:
70041.000
Date:
OCT. 2002

VICINITY MAP
Windsor Rock Products
Keizer, Oregon

FIGURE
1

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NOT TO SCALE

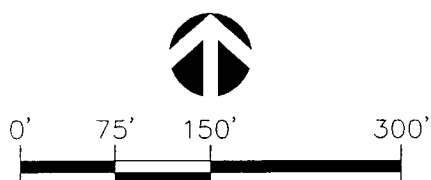
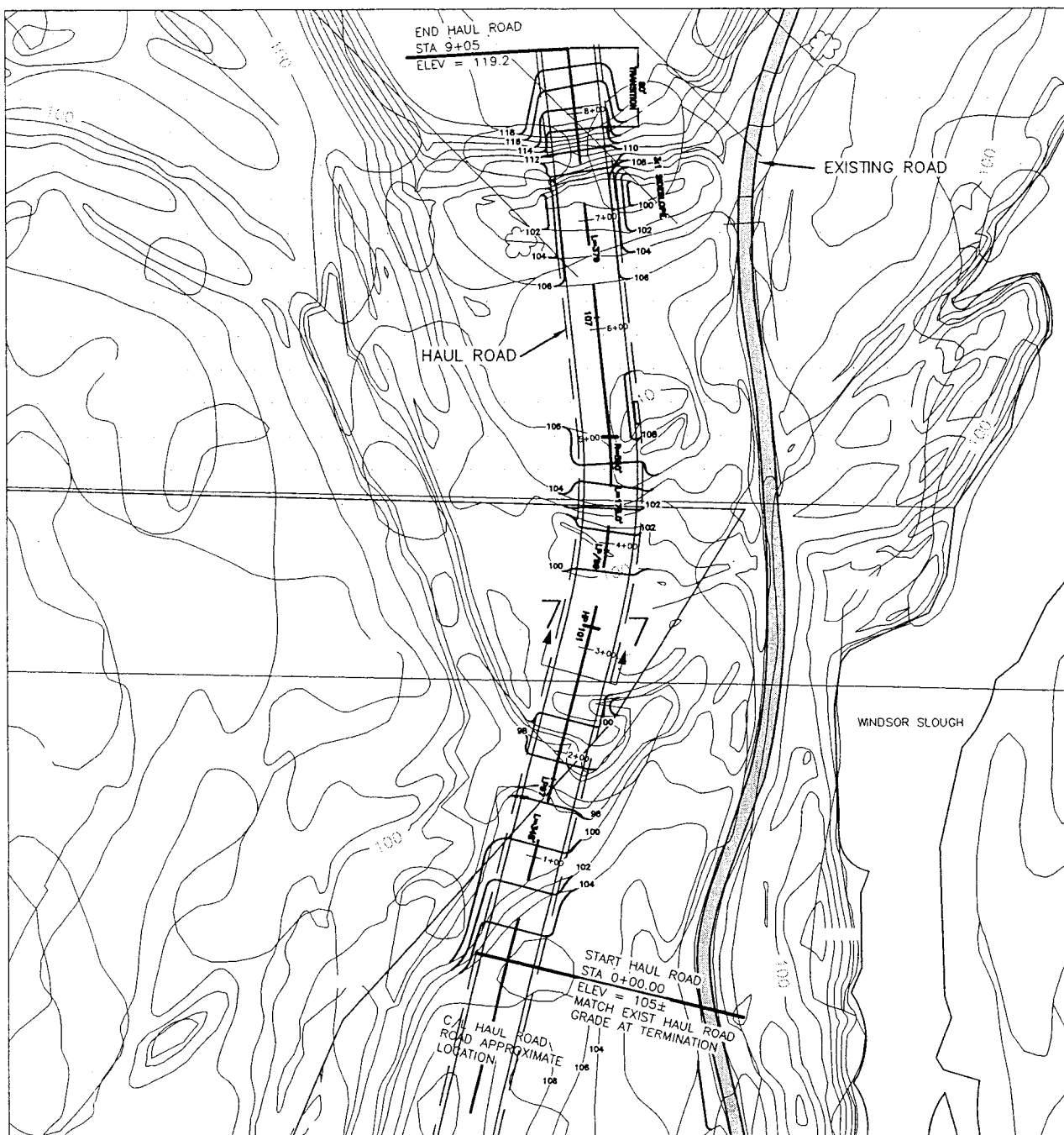
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SITE DEVELOPMENT MAP
Windsor Rock Products
Keizer, Oregon

FIGURE
2



SCALE: 1" = 150'

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Project #:
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Date:
OCT. 2002

HAUL ROAD GRADING PLAN

Windsor Rock Products
Keizer, Oregon

FIGURE

~~3-0~~
3-0

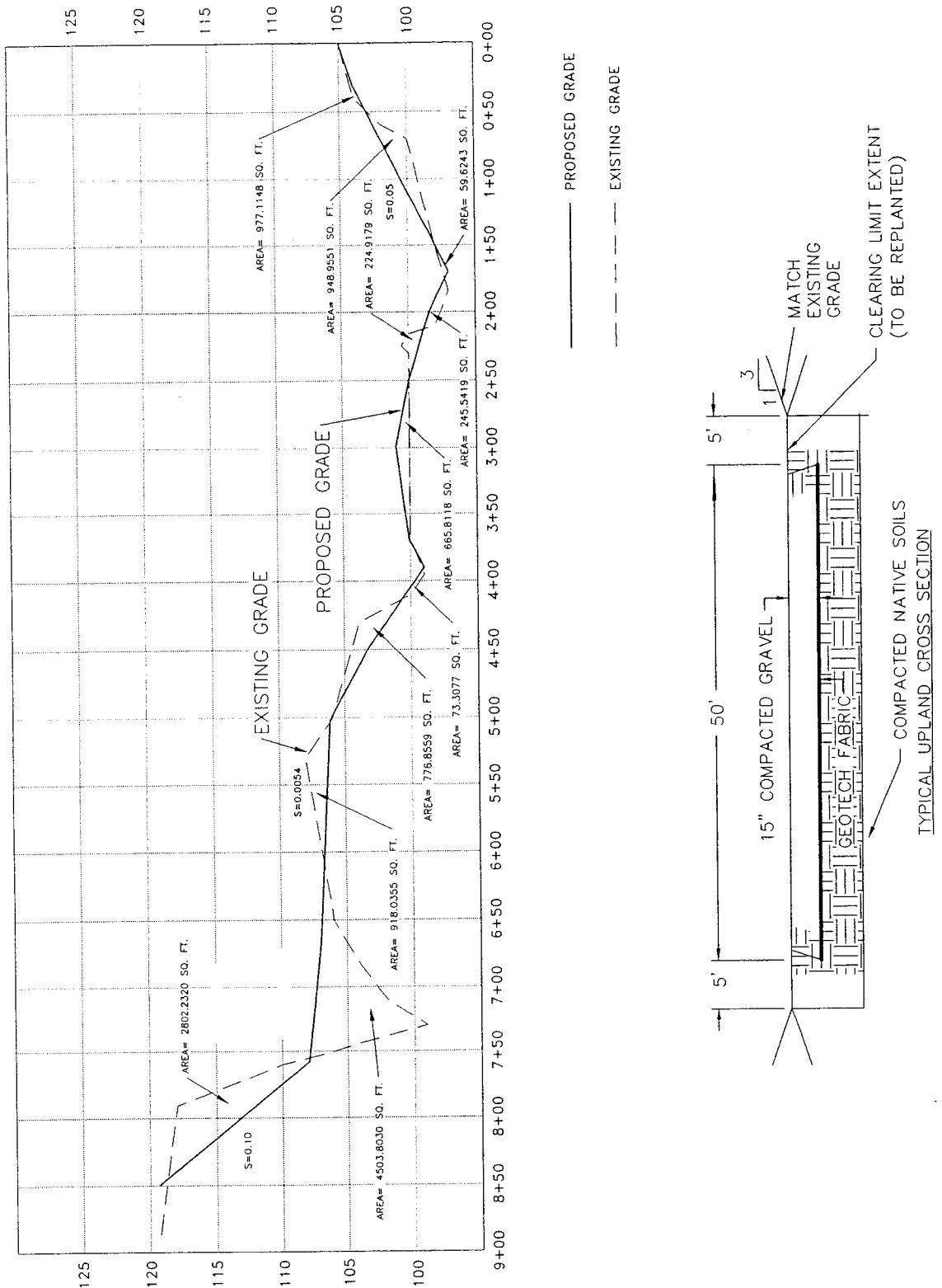


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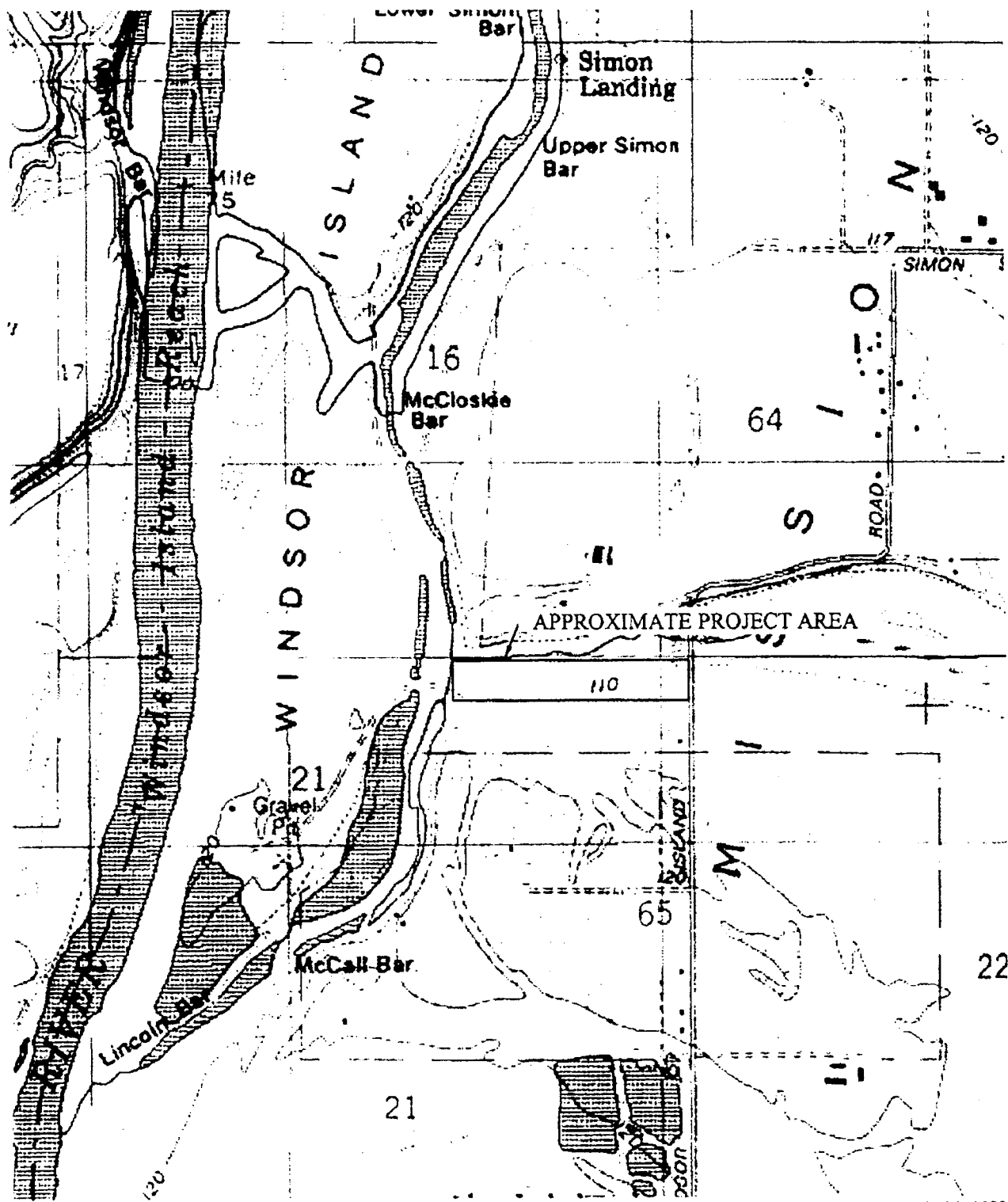
LONGITUDINAL - SECTION AND CROSS-SECTION (TYPICAL) Windsor Rock Products Keizer, Oregon

FIGURE
3-1

Haul Road (0+00 - 9+00)



Prepared for: Windsor Rock Products



APPROXIMATE SCALE: NOT TO SCALE

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Date:
MARCH 2002

TOPOGRAPHIC MAP

Windsor Rock Products
Keizer, Oregon

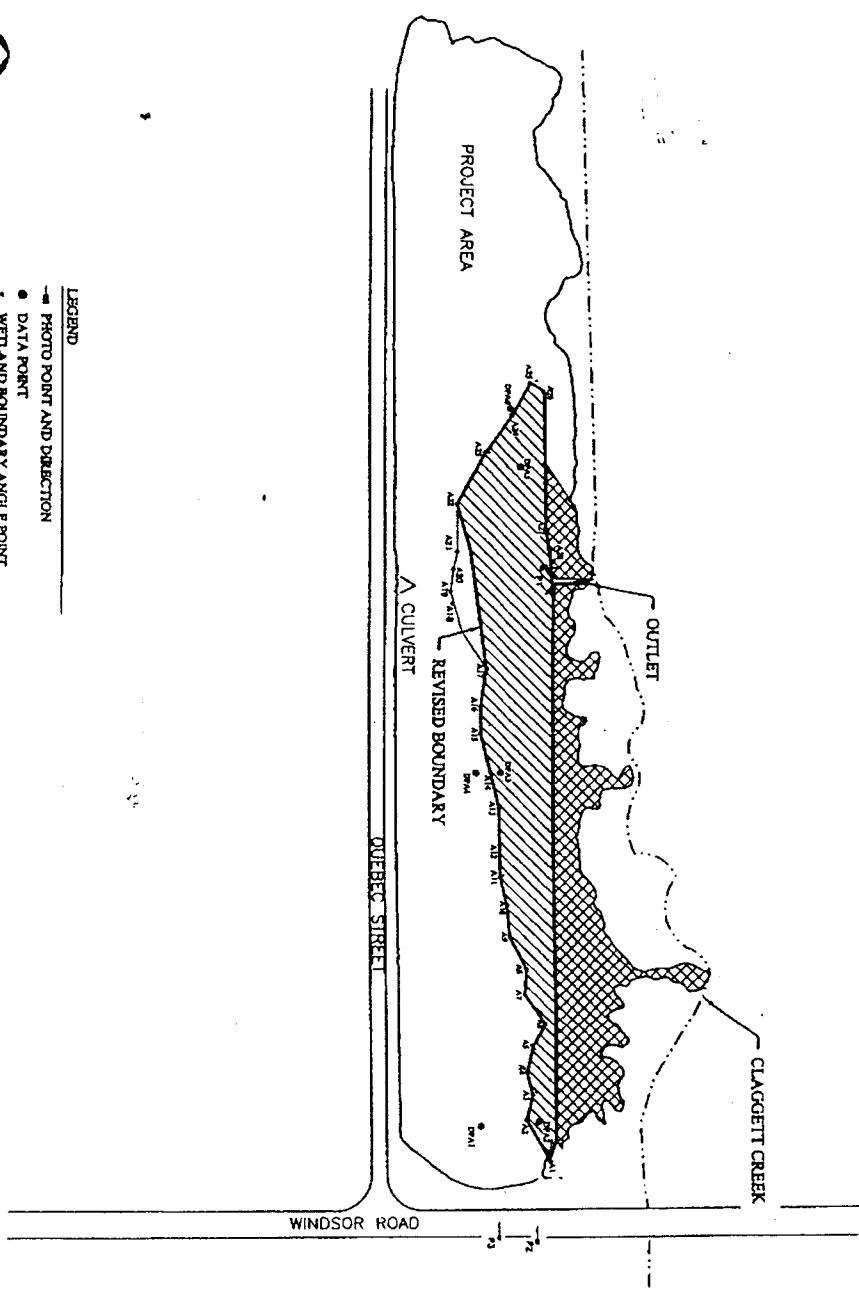
FIGURE

4

APPROXIMATE SCALE: 1" = 200'

60% Reduced

- LEGEND**
- PHOTO POINT AND DIRECTION
 - DATA POINT
 - WETLAND BOUNDARY ANGLE POINT
 - ▨ ON-SITE DELINEATED WETLAND (2.9 ACRES)
 - ▩ OFF-SITE REED CANARY GRASS WETLAND AREA (1.9 ACRES)
 - TOTAL PROJECT AREA (13.2 ACRES (APPROXIMATE))



Prepared for: Windsor Rock Products
 WETLAND SURVEY BY PBS, USING CMT HP-GPS-1A (GPS UNIT)
 ACCURACY: ±0.6 INCHES



FIGURE

WETLAND BOUNDARY SURVEY MAP (REVISED)
 WINDSOR ROCK PRODUCTS
 KEIZER, OREGON

Project #:
 70041.000
 Date:
 MARCH 2002



PUBLIC NOTICE
Oregon Department of Environmental Quality
Water Quality 401 Certification

Corps of Engineers Action ID Number: 200100843
Oregon Division of State Lands Number: 24643-RF

Notice Issued: April 29, 2003
Written Comments Due: May 29, 2003

WHO IS THE APPLICANT: Windsor Rock Products

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project
NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. 6th Avenue, Portland, Oregon 97204

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator, (503) 229-5845 or toll free within Oregon at 1-800-452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. ***People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.

PUBLIC NOTICE

OREGON COASTAL MANAGEMENT PROGRAM

CONSISTENCY CERTIFICATION

Date: April 29, 2003

Corps of Engineers Action ID Number: 200100843
Oregon Division of State Lands Number: 24643-RF

Notification

For projects subject to coastal zone review, notice is hereby given that the project is being reviewed by the Department of Land Conservation and Development (DLCD) as provided in Section 307(c) of the Coastal Zone Management Act. The applicant believes that the activities described in the attached materials would comply with and be conducted in a manner consistent with the Oregon Coastal Management Program. Project information can be made available for inspection at DLCD's Salem office.

DLCD is hereby soliciting public comments on the proposed project's consistency with the Oregon Coastal Management Program. Written comments may be submitted to DLCD, 635 Capital St. NE, Suite 200, Salem, OR 97301-2540, attention consistency review specialist. Any comments must be received by DLCD on or before the comment deadline listed in the federal notice. For further information, you may call DLCD at (503) 373-0050, ext. 250.

REVIEW CRITERIA

Comments should address consistency with the applicable elements of the Oregon Coastal Management Program. These elements include:

- Acknowledged Local Comprehensive Plans & Implementing Ordinances
- Statewide Planning Goals
- Applicable State Authorities (e.g. Removal-Fill Law and Oregon Water Quality Standards)

INCONSISTENT?

If you believe this project is inconsistent with the Oregon Coastal Management Program, your comments to DLCD should explain why you believe the project is inconsistent and should identify the Oregon Coastal Management Program element(s) in question. You should also describe how the project could be modified, if possible, to make it consistent with the Oregon Coastal Management Program.